S.B. Criminal Miscellaneous Petition No. 799/2006
(Birbal Das Vs. State of Rajasthan & Anr.)

Date of Order: July 11, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. M.K. Garg, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 19-6-2006 passed by the Additional Sessions Judge, Anoopgarh, district Sri Ganganagar (for short, "the Revisional Court" hereinafter) in Criminal Revision No.1/2006, whereby the revision petition filed by the petitioner against the order dated 3.12.2005 passed by the Judicial Magistrate, Anoopgarh in Criminal Case No.102/2005, was dismissed.

The trial Court took cognizance against the petitioner for the offences under Sections 467, 468, 471 and 120-B IPC. I have carefully gone through the orders of the Revisional Court as well as of the trial Court. Both the courts below concurrently found a prima facie case against the petitioner for the aforesaid offences. I do not find any error, illegality or perversity in the order impugned warranting interference in the extraordinary jurisdiction under Section 482 Cr.P.C.

At this stage, learned counsel for the petitioner submits that the petitioner will appear and surrender before the

trial Court and move a regular bail application. If the petitioner surrenders before the trial Court on 24-7-2006 and moves a regular bail application, the trial Court shall decide the bail application so filed by the petitioner on the very day in accordance with law.

The criminal miscellaneous petition is dismissed. Till 24-7-2006, the non-bailable warrant issued against the petitioner shall not be executed. However, it is made clear that if the petitioner fails to surrender before the trial Court on 24.7.2006, it will be open for the trial Court to secure the presence of the petitioner by non-bailable warrant.

(H.R. PANWAR), J.

mcs